REMARKS

This preliminary amendment is filed in connection with the filing of the Request for

Continued Examination and in response to the Final Office Action dated September 20, 2002.

Birenbaum et al. in view of Richardson

Reconsideration is requested of the Examiner's rejection of Claims 1-21 under 35 U.S.C.

103(a) as being unpatentable over Birenbaum et al., U.S. Patent No. 4,768,151, in view of

Richardson, U.S. Patent No. 4,747,600.

The Examiner admits that the Birenbaum reference does not disclose "using the apparatus

to communicate with other similar apparatus' with a communications protocol ...." However,

the Examiner relied on the Richardson reference for disclosing a "base unit processor ... [that]

communicates with validation unit processors (14) which in turn use cables (30) to communicate

with the player apparatus processors."

The Birenbaum reference teaches a device (10) that receives information from a separate

and distinct memory module (14). The Birenbaum reference specifically teaches the use of a

separate memory module (14) to facilitate the entry of a plurality of bingo cards from any

manufacturers by plugging in an appropriate memory module (14). Col. 2, lines 26-28 and 30-

32, Col. 3, lines 46-48 and 52-54. Two distinct units are disclosed and are required for the

operation of the device of the Birenbaum reference. To play the device (10), data must first be

transferred from the memory module (14). Col. 3, lines 44-46.

The Richardson reference teaches a system including a base unit (10), a plurality of

electronic bingo boards (12) and a plurality of validation units (14). See, Fig. 1. The bingo

boards (12) of the Richardson reference "communicates with either the system base station 10 **or**

a validation unit 14 through a serial digital communications interface ...." Col. 6, lines 61-64

(emphasis added). Three distinct units are disclosed and are required for the operation of the system of the Richardson reference. To play the bingo boards (12), data must first be transferred from the base station (10) to the bingo boards (12). Col. 6, lines 28-32. Furthermore, the validation units (14) must be attached to the bingo boards (12) to verify the win. Col. 6, lines 54-57.

For a claim to be obvious under 35 U.S.C. 103, each limitation of the claim must be taught or suggested by the prior art reference. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Amended claim 1 claims a portable programmable apparatus for aiding a player in an interactive manner in the performance of a game of chance comprising:

(a)   a processor whose actions are directed by a computer program and having a plurality of ports;

(b)   a readable memory having prestored blocks of data representative of predetermined numbers and also representative of predetermined patterns furnished from a media having magnetic coded information which is accessible by means movable relative to said information of said media, wherein said predetermined numbers and patterns are correlated to each other to provide games of chance and are capable of being accessed and manipulated by said processor in response to said computer program;

(c)   means connected to one of said ports for providing an interactive dialogue between a player using the apparatus and said processor during the performance of said game of chance, said interactive means allowing the player using the apparatus to enter data associated with said game of chance;

(d)   means connected to one of said ports for providing a display of the stored blocks of data, the data entered by way of said interactive means, and intermediate and final stages of the performance of said game of chance; and

(e)   means for providing a communication protocol for said processor to adapt said processor to communicate with another processor of another portable programmable apparatus.

In considering a prior art reference, it must be considered as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

As discussed above, the Birenbaum reference teaches the loading of data with a separate memory module (14) and requires the use of two distinct units. The Birenbaum reference does not suggest "a readable memory having prestored blocks of data" (element b). In fact, the Birenbaum reference teaches away from prestoring such information in the device (10) by providing a separate memory module (14) that is selected in accordance with a specific set of cards. Col. 3, lines 52-54. As admitted by the Examiner, the Birenbaum reference fails to disclose, teach or suggest a communication protocol for the processor of a programmable apparatus to communicate with another processor of a second programmable apparatus (element e).

Similarly, the Richardson reference teaches the loading of data onto the bingo boards (12) by connecting them to the base station (10) and requires the use of three distinct units. The bingo boards (12) are shown to communicate with either the base station (10) or the validation units (14). Col. 6, lines 61-64. The Richardson reference does not suggest "a readable memory having prestored blocks of data" (element b). In fact, the Richardson reference teaches away from prestoring such information in the bingo boards (12) by providing a protocol for communication with the base station (10).

Furthermore, the Richardson reference does not suggest "means for providing a communication protocol for said processor to adapt said processor to communicate with another processor of another portable programmable apparatus" (element e). In fact, the Richardson reference teaches away from a communication protocol between the bingo boards (12) and allows a bingo board (12) to communicate with either a base station (10) or a validation unit (14) only.
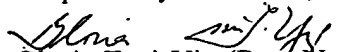
Since neither the Birenbaum nor the Richardson references, alone or in combination, disclose, teach or suggest each limitation of amended claim 1, as required under a 35 U.S.C. 103 rejection, amended claim 1 is not obvious over the Birenbaum reference in view of the Richardson reference. Further, since amended claim 1 is nonobvious under 35 U.S.C. 103, all claims dependent therefrom, including claims 3-12 and 16-17, are similarly nonobvious. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Similar to amended claim 1, each of the claims 14-15 and 18-21 include the limitation of a communication protocol or link between two (2) identical apparatus or computers of the present invention, which is not disclosed, taught or suggested by the Birenbaum nor Richarson references, alone or in combination. Therefore, claims 14-15 and 18-21 are similarly nonobvious under 35 U.S.C. 103.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is entitled "Version with Markings to Show Changes Made."

By virtue of the Applicants' amendment, including the arguments for the allowance of the claims, all outstanding grounds of rejections and objections have been addressed and dealt with and, based thereon, it is believed that the application is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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In the Claims:

Amend claims 1, 18 and 19 as follows:

1.   (Twice Amended) A portable programmable apparatus for aiding a player in an interactive manner in the performance of a game of chance comprising:
a processor whose actions are directed by a computer program and having a plurality of ports;
a readable memory <u>having prestored</u> [for storing] blocks of data representative of predetermined numbers and also representative of predetermined patterns[, said blocks of data being] furnished from a media having magnetic coded information which is accessible by means movable relative to said information of said media, wherein said predetermined numbers and patterns are correlated to each other to provide games of chance and are capable of being accessed and manipulated by said processor in response to said computer program;
means connected to one of said ports for providing an interactive dialogue between a player using the apparatus and said processor during the performance of said game of chance, said interactive means allowing the player using the apparatus to enter data associated with said game of chance;
means connected to one of said ports for providing a display of the stored blocks of data, the data entered by way of said interactive means, and intermediate and final stages of the performance of said game of chance; and
means for providing a communication protocol for said processor to adapt said processor to communicate with another processor <u>of another portable programmable apparatus.</u>

18.   (Amended) A portable programmable apparatus for aiding a player in an interactive manner in the performance of a game of chance comprising:
a processor whose actions are directed by a computer program and having a plurality of ports;
a readable memory <u>having prestored</u> [for storing] blocks of data representative of predetermined numbers and also representative of predetermined patterns <u>furnished from a media having magnetic coded information which is accessible by means movable relative to said information of said media</u>, wherein said predetermined numbers and patterns are correlated to each other to provide games of chance and are capable of being accessed and manipulated by said processor in response to said computer program;
[means for receiving said blocks of data from a media having magnetic coded information which is accessible by means movable relative to said information of said media;]
means for outputting said blocks of data from said readable memory to another processor <u>of another portable programmable apparatus</u>;
means connected to one of said ports for providing an interactive dialogue between a player using the apparatus and said processor during the performance of said game of chance, said interactive means allowing the player using the apparatus to enter data associated with said game of chance; and

means connected to one of said ports for providing a display of the stored blocks of data, the data entered by way of said interactive means, and intermediate and final stages of the performance of said game of chance.

19. (Amended) A portable programmable apparatus for aiding a player in an interactive manner in the performance of a game of chance comprising:

a processor whose actions are directed by a computer program and having a plurality of ports;

a readable memory <u>having prestored</u> [for storing] blocks of data representative of predetermined numbers and also representative of predetermined patterns <u>furnished from a media</u> <u>from another readable memory of a second processor of a second portable programmable apparatus</u>, wherein said predetermined numbers and patterns are correlated to each other to provide games of chance and are capable of being accessed and manipulated by said processor in response to said computer program;

[means for receiving said blocks of data from a media from another readable memory of a second processor;]

means for outputting said blocks of data from said readable memory to a third processor <u>of</u> <u>a third portable programmable apparatus</u>;

means connected to one of said ports for providing an interactive dialogue between a player using the apparatus and said processor during the performance of said game of chance, said interactive means allowing the player using the apparatus to enter data associated with said game of chance; and

means connected to one of said ports for providing a display of the stored blocks of data, the data entered by way of said interactive means, and intermediate and final stages of the performance of said game of chance.